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E.O. 11652: GDS

TAGS: SHUM, PINT, PFOR, UY

SUBJ: HUMAN RIGHTS DISCUSSION WITH LT. GEN. VADORA AND GEN QUEIROLO

1. FOLLOWING UP A CONVERSATION WHICH I HAD WITH GEN. LUIS V. QUEIROLO, CHIEF OF STAFF OF THE URUGUAYAN ARMY, AT A FAREWELL PARTY FOR DEFATTACHE GARIBAY, I INVITED THE GENERAL TO LUNCH AT MY RESIDENCE FOR CONTINUATION OF THE CONVERSATION WHICH WAS ON THE SUBJECT OF HUMAN RIGHTS IN URUGUAY. IN ACCEPTING, THE GENERAL SAID THAT LT. GEN. JULIO C. VADORA, COMMANDER IN CHIEF OF THE ARMY, WOULD LIKE TO COME AS WELL. DURING THE THREE-HOUR LUNCHEON, IN WHICH I WAS ACCOMPANIED BY DCM JAMES C. HAAHR, THE DISCUSSION WAS WIDE-RANGING AND FRANK.

2. I PULLED NO PUNCHES IN TRYING TO CONVEY MY OWN AND MY GOVERNMENT'S CONCERN ON THE PROBLEM OF VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY MAY OCCUR AND, SPECIFICALLY, IN REGARD TO URUGUAY AGAINST WHICH VERY SERIOUS CHARGES HAD BEEN LEVELED. I SAID THAT I AND MY EMBASSY HAVE TRIED TO PRESENT THE MOST PRECISE, OBJECTIVE AND HONEST INFORMATION WE COULD OBTAIN TO MY GOVERNMENT, INCLUDING THE BAD WITH THE GOOD. THE FACT THAT OUR REPORTS VARY CONSIDERABLY WITH THOSE OF OTHERS CHARGING URUGUAY WITH VIOLATIONS HAS RESULTED IN MY EMBASSY AND MYSELF BEING ACCUSED OF DEFENDING URUGUAY. THIS HAD COME TO THE POINT, I SAID, WHERE IT HAD BEEN NECESSARY FOR A DEPARTMENT OF STATE WITNESS TO REJECT THIS CHARGE IN THE US CONGRESS ONLY THE DAY BEFORE. I SAID I WOULD FREELY ADMIT TO A DEEP FEELING OF SYMPATHY FOR THIS COUNTRY WHERE I HAVE LIVED FOR THREE YEARS AND AN UNDERSTANDING OF WHAT THE GOVERNMENT IS TRYING TO ACHIEVE. I ALSO RECOGNIZE, I SAID, THE SUPPORTIVE ATTITUDE WHICH MOST URUGUAYANS APPEAR TO HAVE FOR IT. ON THE OTHER HAND, I SAID, I DO NOT IN ANY SENSE CONSIDER IT MY DUTY TO DEFEND URUGUAY AND THAT I WOULD NOT DO SO. I ALSO STATED THAT WHEREAS I BELIEVED THE MAJORITY OF URUGUAYANS, WHILE NOT NECESSARILY ENTHUSIASTIC ABOUT WHAT IS GOING ON HERE, HAVE SHOWN THEMSELVES TO BE IN THE

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Margaret P. Grafeld, Director

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MOOD AT LEAST UP TO NOW TO ACCEPT IT AS NECESSARY CATHARSIS. I WARNED, HOWEVER, OF THE FRAGILITY OF SUCH A SITUATION AND HOW EASILY SUCH A PROCESS COULD BECOME REPRESSION. THE INEVITABLE REACTION TO PROLONGED REPRESSION WOULD BE INCREASING CONFRONTATION, VENGEANCE AND MORE REPRESSION FROM WHICH THERE COULD BE ONLY ONE OUTCOME ULTIMATELY, THE DEFEAT OF THE OPPRESSOR. ALL OF MY EXPERIENCE, I SAID, HAD SHOWN ME THE INEVITABILITY OF THIS FACT WHICH WAS SOMETHING WHICH THE GOVERNORS OF URUGUAY TODAY HAD BEST KEEP UPPERMOST IN MIND SO AS TO RESTORE THE COUNTRY, WITH ALL POSSIBLE SPEED, TO A MORE REPRESENTATIVE GOVERNMENT AND TO THE ENJOYMENT OF THE FREEDOMS THEY HAD ONCE KNOWN. I GOT INTO MUCH OF THIS INTRODUCTORY FOLLOWING GEN. VADORA'S FRANK ADMISSION TO ME, (PUTTING IT IN LESS DIPLOMATIC TERMS THAN I HAD) THAT THE GOVERNMENT HAD FOUND IT NECESSARY IN ITS RESTORATIVE "PROCESS" TO SUPPRESS MANY OF THE FREE INSTITUTIONS WHICH HAD OPERATED HERE IN THE PAST.

3. I STATED VERY FRANKLY THAT WHATEVER THE FACTS, RIGHTS OR WRONG MIGHT BE, (AND THIS COULD BE SUBJECT TO CONTROVERSY) THE FACT THAT IS CLEAR TO ME IS THAT THOSE WHO ARE ATTACKING URUGUAY ON THE SUBJECT OF HUMAN RIGHTS ARE CLEARLY WINNING THE BATTLE. THEREFORE, I SAID, IT IS URGENTLY INCUMBENT UPON THE URUGUAYAN GOVERNMENT AND PARTICULARLY THE ARMED FORCES TO COMBAT THIS INCREASINGLY BAD IMAGE IN THE ONLY WAY WHICH CAN BE SUCCESSFUL. THIS, I SAID, WOULD BE BY CONSCIENTIOUSLY REVIEWING THEIR OWN PRACTICES, ELIMINATING THE ABUSES WHICH EXIST, AND PROVING THIS TO THE WORLD BY INVITING OPEN INSPECTION. FOR THIS I RECOMMENDED MOST STRONGLY NOT ONLY A CONTINUING RELATION WITH THE INTERNATIONAL RED CROSS BUT ALSO, IMPORTANTLY, AND INVITATION TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS AS WELL.

4. DISCUSSING THIS THEME I LAID OUT THE REASONS WHY I HAD NOT ACCEPTED THE GOU'S INVITATION TO VISIT THE PRISONS LAST MONTH. I ALSO STATED THAT THE GENERALLY FAVORABLE REPORTS WHICH I HAD RECEIVED PR

CHRTELY FROM MY COLLEAGUES WHO HAD VISITED THEM CAME AS NO SURPRISE. BUT I SAID WHAT CONCERNS ME, AND WHAT SOME OF THEM TOLD ME HAD BOTHERED THEM AS WELL, WAS NOT THE CONDITION AND TREATMENT OF PEOPLE WHO ARE IN THE MALE AND FEMALE PRISONS FOR THE SUBERSION, BUT WHAT HAPPENS TO THEM FROM THE MOMENT OF THEIR ARREST UNTIL THEY GET THERE. I IS THIS, I SAID, WHICH IS BEING MOST CRITICIZED AND UPON THIS THE PRISON VISITS HAD SHED NO LIGHT.

5. ELABORATING ON THIS I STATED, FOR EXAMPLE, THAT QUITE APART FROM ALLEGATIONS OF THE OUTRIGHT PHYSICAL TORTURE OF PRISONERS (ABOUT WHICH I HAD NO DIRECT REPORTS), I DID HAVE SUFFICIENTLY DIRECT KNOWLEDGE OF SOME CASES TO BELIEVE THAT PSYCHOLOGICAL

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TORTURE, TO PUT IT IN THE LEAST OFFENSIVE TERMS, WAS PRACTICED. I THEN DESCRIBED THE ESSENCE OF TWO CASES KNOWN TO ME WHICH ARE SUBSTANTIALLY SIMILAR AND WHICH INCLUDED THE SURPRISE VISITATIONS OF ARRESTING OFFICERS, IN OR OUT OF UNIFORM; THE HOODING OF A PRISONER--EVEN BEFORE HIS OWN FAMILY; THREATS DESIGNED TO INTIMIDATE; THE SPARTAN CONDITIONS OF CONFINEMENT; THE PASSAGE OFTEN OF MANY WEEKS BEFORE FAMILY HAS ANY KNOWLEDGE OF THE PRISONER'S WHEREABOUTS OR WELFARE AND DELAY IN ACCESS TO A LAWYER AND THE GENERAL SLOWNESS OF THE JUDICIAL PROCESS. THIS, I SAID, DID NOT SEEM TO ME TO BE COMPATIBLE WITH HUMANE STANDARDS OR IN ANY WAY JUSTIFIED BY CONDITIONS IN THIS COUNTRY--ASSUMING THEY COULD EVER BE JUSTIFIED. THE GENERALS LISTENED MOST ATTENTATIVELY MAKING NO DENIAL, CONFIRMATION OF OR EVEN DEFENSE OF WHAT I HAD DESCRIBED. THEY SEEMED, MORE THAN ANYTHING ELSE, EXTREMELY THOUGHTFUL. TERMINATING THIS, I STATED THAT I HAD BEEN ASSURED ON MORE THAN ONE OCCASION BY HIGH OFFICIALS THAT ABUSES OF PRISONERS IS CONTRARY TO THE POLICY OF THE GOVERNMENT AND THAT TORTURE IS FORBIDDEN. ACCEPTING THIS AS SO, I SAID, I FOUND IT HARD TO RECONCILE SUCH A STATE POLICY WITH THE TREATMENT I HAD DESCRIBED. I ALSO SAID THAT ASSUMING FLAGRANT ABUSES MIGHT REFLECT MOMENTS OF UNCONTROLLED PASSION (EXALTATIONS) BY GUARDS AND INTERROGATORS, THAT EXAMPLES OF THEIR DISCIPLINING FOR SUCH INFRACTIONS ARE NOT EASILY AT HAND.

6. I ALSO RAISED THE QUESTION OF RECENT OCCURRENCES IN ARGENTINA WHICH, IT SEEMED TO ME, IN ABSENCE OF ACTIONS BY THE URUGUAYAN GOVERNMENT ARE LIKELY TO GIVE RISE TO MORE SERIOUS ATTACKS. I NOTED, FOR EXAMPLE, THE ACCUSATIONS MADE IN JUNE THAT ONE URUGUAYAN AND A NUMBER OF CHILEAN REFUGEES WERE TAKEN FROM A HOTEL AND BADLY BEATEN BEFORE THEIR RELEASE. THE REPORTS SAID THAT AMONG THOSE WHO HAD TORTURED THEM WAS AN URUGUAYAN OFFICER WHO HAD PAID SPECIAL ATTENTION TO THE URUGUAYAN PRISONER. I ALSO CALLED ATTENTION TO RECENT REPORTS BY THE UN HIGH COMMISSION

FOR REFUGEES OF THE DISAPPEARANCE OF 19 URUGUAYANS REGISTERED WITH HIS AGENCY. NOTHING FURTHER HAS BEEN HEARD OF THESE PEOPLE EXCEPT A DENIAL BY THE ARGENTINE GOVERNMENT THAT THEY HAD BEEN TAKEN BY ANY OFFICIAL FORCES,--AND PUBLISHED APPEALS FOR NEWS OF THEIR WHEREABOUTS BY FAMILY MEMBERS. ACTUALLY, I SAID, THERE ARE REPORTS THAT THE TOTAL NUMBER IS 30 RATHER THAN THOSE 19 REGISTERED WITH THE HIGH COMMISSIONER. WHAT STRIKES ONE AS STRANGE, I SAID, IS THE FACT THAT THE GOVERNMENT OF URUGUAY, SO FAR AS I KNOW, HAS MADE NO PUBLIC STATEMENT OF CONCERN FOR THE WELFARE OF THESE PEOPLE. IN VIEW OF THE ARGENTINE GOVERNMENT ANNOUNCEMENT, I SAID, ONE WOULD HAVE TO CONCLUDE THAT THEY WERE TAKEN BY TERRORIST GROUPS AND THEREFORE MUST BE IN GRAVE DANGER. THE GENERALS LISTENED TO THIS WITH ATTENTION AND CONCERN. GEN. VADORA'S OBSERVATION REGARDING THE DELICACY OF STATEMENTS WHICH COULD IMPUTE BLAME TO A FRIENDLY GOVERNMENT WAS NOT VERY ENERGETIC--PRESUMABLY BECAUSE I HAD ALREADY NOTED THE ARGENTINE GOVERNMENT'S EXCUSING

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7. TURNING TO WHAT MIGHT BE DONE BY URUGUAY, I MADE SEVERAL SPECIFIC SUGGESTIONS AS FOLLOWS:

A) FIRST AND FOREMOST, THAT ANY PRACTICES SUBJECT TO CRITICISM AS VIOLATION OF FUNDAMENTAL HUMAN RIGHTS--OBVIOUSLY INCLUDING ANY FORM OF PHYSICAL TORTURE BUT CERTAINLY INCLUDING, IN MY OWN JUDGMENT, WHAT I HAD DESCRIBED AS PSYCHOLOGICAL ABUSE AND DISREGARD FOR FAMILY CONCERN, SHOULD BE ELIMINATED.

B) THE WHOLE JUDICIAL PROCESS SHOULD BE SPEEDED UP SO THAT THERE DID NOT EXIST A SITUATION IN WHICH WEEKS TRANSPIRED BEFORE FAMILY KNOWS OF THE WHEREABOUTS AND WELFARE OF AN ARRESTED MEMBER, OR WHEREIN SUCH A PRISONER'S ACCESS TO LEGAL ADVICE AND DEFENSE IS INORDINATELY DELAYED.

C) THE GOVERNMENT SHOULD REALIZE THAT IT FACES A SERIOUS PROBLEM AFFECTING URUGUAY'S IMAGE AND ACCEPTABILITY IN THE FAMILY OF NATIONS, AND THAT IT IS BASICALLY A PROBLEM WITH WHICH THE GOVERNMENT ALONE CAN DEAL. TO DO ITS BEST TO COMBAT WHAT I DESCRIBED AS A LOSING BATTLE UP TO NOW, I SUGGESTED THAT IT SHOULD CONSIDER ISSUING A CLEAR, COMPLETE, AND HONEST STATEMENT AS TO ITS ATTITUDE ON THE SUBJECT OF HUMAN RIGHTS AND ITS PRACTICES. THE WORST THING, I SAID, THAT SUCH A STATEMENT COULD DO WOULD BE TO SIMPLY CRITICIZE URUGUAY'S ACCUSERS.

D) THE GOVERNMENT SHOULD ALSO PROMPTLY, I SAID, INVITE IMPARTIAL INTERNATIONAL OBSERVERS TO COME HERE TO REVIEW THE SITUATION. IT SHOULD GIVE THEM EVERY FACILITY AND ACCESS TO PLACES OF INCARCERATION AND TO PRISONERS THEMSELVES. THIS SHOULD INCLUDE, I SAID, NOT ONLY THOSE PRISONS ALREADY VISITED BUT ALL THE OTHERS WHERE PRISONERS MAY BE HELD IN WHATEVER STAGE OF THEIR PROCESSING.

8. COMMENTING ON MY POINT ABOUT THE SLOWNESS OF JUSTICE GEN. VADORA STATED THAT PROCEDURES UNDER MILITARY JUSTICE ARE NO DIFFERENT THAN THEY HAVE ALWAYS BEEN AND CONTINUE TO BE IN URUGUAY TODAY FOR THOSE SUBJECT TO CIVIL JUDGMENT. HE SAID THAT THIS HAS LONG BEEN RECOGNIZED AS A GRAVE WEAKNESS OF THE URUGUAYAN SYSTEM, WHICH IS INDEED SUBJECT TO CRITICISM. BUT HE EMPHASIZED THAT IT IS NOTHING NEW INVENTED FOR SUBVERSIVES. HE SAID IF YOU WILL VISIT PRISONS WHERE COMMON PRISONERS ARE HELD YOU WILL FIND THAT THEY TOO ARE SUBJECT TO AN INDEFINITE STATUS WHICH MAY OR MAY NOT BE DEFINED FOR YEARS. WHAT THEY DO KNOW IS THE MAXIMUM FOR AN OFFENSE, SUCH AS 5-15 YEARS. WHETHER IT IN THE END WILL BE 6, 8 OR THE MAXIMUM IS LEFT TO BE DETERMINED BY A SLOWER PROCESS, INCLUDING ASSESSMENT OF BEHAVIOR ETC. TO ILLUSTRATE HIS POINT HE SAID THAT A VERY WELL KNOWN URUGUAYAN PLAY, ENTITLED "1040" WAS WRITTEN AND PRODUCED HERE ABOUT 10 YEARS AGO BY A NOTED AUTHOR DRAMATIZED THIS VERY FACT.

9. AT ONE POINT A ASKED GEN. VADORA WHAT THE GOVERNMENT VIEWS AS THE LONG-TERM SOLUTION TO THE PROBLEM OF PRISONERS CLASSIFIED AS SUBVERSIVES. THE GENERAL'S REPLY WAS IMMEDIATE. HE SAID THAT RIGHT NOW UP TO 1,500 OF THEM COULD PROBABLY BE RELEASED AND THAT SOME BUT NOT ALL MIGHT EVEN BE PAROLED IN THIS COUNTRY. THERE WERE, HOWEVER, ABOUT 500 OF THEM WHO POSE LONG-TERM DILEMMA BECAUSE THEY ARE NOT ONLY HELD FOR BELONGING TO A SUBVERSIVE ORGANIZATION BUT HAD ACTUALLY PERFORMED, IN CONNECTION THEREWITH, CRIMINAL ACTS SUBJECT TO SEVEREST PENALTIES. ALSO, THIS WOULD INCLUDE PEOPLE WHO HAD BEEN IN CONNECTION WITH THE 4-12-76

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ENTRUSTED IN FREEDOM NOT TO COMMIT THE SAME CRIMES AGAIN. IN RESPONSE TO THIS I SUGGESTED THAT URUGUAY CONSIDER OFFERING TO DEPORT SOME OF ITS RELEASABLE PRISONERS TO OTHER COUNTRIES (NOT THOSE ADJACENT TO URUGUAY) IF ANY WERE WILLING TO TAKE THEM. THEY MIGHT CHALLENGE URUGUAY'S ACCUSERS, FOR EXAMPLE, TO UNDERTAKE A POSITIVE CAMPAIGN FOR THE RESETTLEMENT OF THESE PEOPLE INSTEAD OF JUST ATTACKING URUGUAY FOR ITS ALLEGED MISTREATMENT OF THEM. AS WITH MY OTHER SUGGESTIONS, THIS ONE SEEMED TO MEET WITH THOUGHTFUL CONSIDERATION BUT NO COMMENT ONE WAY OR THE OTHER.

10. AMONG FACTORS OF INTEREST WHICH EMERGED DURING THIS LONG CONVERSATION ARE THE FOLLOWING:

A) GEN. VADORA PUT THE TOTAL NUMBER OF PRISONERS HELD THAT DAY ON CHARGES OF SUBVERSION AT 2,017 THIS FIGURE TO CONTRAST WITH THE MORE OR LESS 5,500 ALLEGED BY AI AND ICJ. SAYING THAT ABOUT 1,500 OF THESE HAD BEEN REPORTED BY THE VISITING AMBASSADORS TO BE RESIDENT AT THE LIBERTAD AND PUNTA DE PIELES PRISONS, I ASKED WHERE THE REST WERE TO BE FOUND. HE SAID ABOUT 250 OF THEM ARE HERE IN MONTEVIDEO AT "EL CILINDRO" AND AT THE LONG ESTABLISHED PUNTA CARRETAS PRISON, AND AT A SMALLER PRISON "CARLOS NERY", AND THAT OTHERS ARE AT A SMALL PRISON IN THE INTERIOR AT PASO DE LOS TOROS. WHEN ASKED IF THIS 2,017 FIGURE INCLUDED THOSE TAKEN AND STILL HELD FROM THE ANTI-COMMUNIST ROUNDUP OF LAST YEAR, HE SAID THAT IT DID. HE SAID 450 WERE TAKEN IN THAT DRIVE, THAT 200 ARE STILL BEING HELD AND THAT THE LATTER GROUP HAD BEEN PROSECUTED BUT NOT YET SENTENCED. EVENTUALLY, HE SAID, THESE 200 WOULD BE SENT TO ONE OR ANOTHER OF THE ESTABLISHED PRISONS, PRINCIPALLY LA LIBERTAD AND PUNTA DE RIELES.

11. IN SPITE OF THE DIRECTNESS OF MY STATEMENTS, NEITHER GEN. VADORA OR GEN. QUEIROLO EVER SHOWED ANY RESENTMENT OR ALTERED THE SERIOUS, CONCERNED ATTITUDE WHICH THEY DISPLAYED THROUGHOUT. THEY SEEMED TO BE TRULY PREOCCUPIED WITH THE PROBLEM AND INTERESTED IN THE OBSERVATIONS AND SUGGESTIONS MADE. THEY MADE NO COMMITMENT ABOUT ANY PARTICULAR ACTION EXCEPT TO OBSERVE THAT CHILE'S EXPERIENCE WITH THE INTER-AMERICAN HUMAN RIGHTS COMMISSION HAD NOT BEEN A VERY GOOD ONE. TO THIS I RESPONDED THAT I THOUGH IT REFLECTED NO PREJUDICE ON THE PART OF THE COMMISSION BUT THE CIRCUMSTANCES WHICH THEY HAD ENCOUNTERED IN CHILE. THE LUNCHEON ENDED AS FRIENDLY AS IT HAD BEGUN WITH THEIR STATEMENT THAT THEY WOULD LIKE TO HAVE OPPORTUNITY IN FUTURE FOR SIMILAR, FRANK DISCUSSIONS.

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